

**IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF TEXAS  
MARSHALL DIVISION**

|                          |   |                             |
|--------------------------|---|-----------------------------|
| UNITED STATES OF AMERICA | § |                             |
|                          | § |                             |
| V.                       | § | CASE NO.2:08-CR-5(5) TJW-CE |
|                          | § |                             |
| GARY ANDERA BATES        | § |                             |

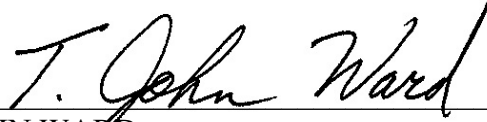
**ORDER ADOPTING MAGISTRATE JUDGE’S REPORT AND  
FINDING DEFENDANT GUILTY**

On this day, the court considered the Findings of Fact and Recommendation of United States Magistrate Judge Charles Everingham IV regarding Defendant’s plea of guilty and allocution to Count 2 of the first superseding indictment. In Count 2 of the first superseding indictment, the defendant was charged with a violation of 21 U.S.C. § 843(b), Use of a Communication Facility in Causing or Facilitating a Felony under the Controlled Substance Act. Having conducted a proceeding in the form and manner prescribed by Fed. R. Crim. P. 11, the Magistrate Judge recommends that the court accept the guilty plea of the Defendant. No Objections were filed to the Findings of Fact and Recommendation. The court is of the opinion that the Findings of Fact and Recommendation should be accepted.

It is accordingly ORDERED that the Findings of Fact and Recommendation of the United States Magistrate Judge, filed February 16, 2010, are hereby ADOPTED.

It is further ORDERED that, pursuant to Defendant’s plea agreement, the court finds Defendant GUILTY of Count 2 of the first superseding indictment in the above-numbered cause.

SIGNED this 23rd day of March, 2010.

A handwritten signature in black ink, reading "T. John Ward". The signature is written in a cursive style with a large, stylized "T" and "W".

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T. JOHN WARD  
UNITED STATES DISTRICT JUDGE